

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD WAYNE BOONE II,

Plaintiff,

Case No. 06-14415

v.

HONORABLE DENISE PAGE HOOD

TERI FIGHTER, et al.,

Defendant.

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Steven D. Pepe's Report and Recommendation dated March 27, 2007. Plaintiff has filed a written objection to the Magistrate Judge's Report and Recommendation. Magistrate Judge Pepe concluded that the Court should deny Plaintiff's Motion for Class Certification.

The Court has had the opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Plaintiff, a *pro se* prisoner, is not an adequate representative to protect the interests of the class. Plaintiff's lack of legal expertise would place the rights of others in the class at risk. *Oxendine v. Williams*, 509 F.2d 1405 (4th Cir. 1975). Additionally, Plaintiff's factual claims regarding deliberate indifference to his arthritis condition and retaliation apply to him uniquely. In his written objection, Plaintiff fails to articulate a set of facts shared by all members of the class, which is required by Rule 23(a) of the Federal Rules of Civil Procedure. Fed. R. Civ. P.

23. The absence of common facts also suggests that the individual facts of Plaintiff's claim would predominate in a class action suit.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Steven D. Pepe [**Docket No. 83, filed March 27, 2007**] is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS ORDERED that the Motion for Class Certification is DENIED.

s. DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge

DATED: June 20, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 20, 2007, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager